



**Ober, Kaler, Grimes & Shriver**  
Attorneys at Law

120 East Baltimore Street  
Baltimore, MD 21202-1643  
410-685-1120 / Fax 410-547-0699  
www.ober.com

**M. Hamilton Whitman, Jr.**  
mhwhitman@ober.com  
410-347-7354

**Offices In**  
Maryland  
Washington, D.C.  
Virginia

September 29, 2005

**VIA ELECTRONIC FILING**

The Honorable Benson E. Legg  
United States District Court  
for the District of Maryland  
Third Floor, Room 340  
101 W. Lombard Street  
Baltimore, MD 21201

Re: In the Matter of the Complaint of  
Eternity Shipping Ltd., et al.  
for Exoneration from or Limitation of Liability  
Civil Action No.: L-01-CV-0250

Dear Judge Legg:

This is the joint letter of counsel responding to the instructions set forth in the Court's September 22, 2005 Memorandum to Counsel.

1. Counsel have conferred and have agreed that the depositions of Captain Popp and Mr. Parnell will take place on October 6 and 7, 2005.

2. All parties concerned have agreed that a joint motion to reopen the various previously-filed summary judgment motions will be filed by October 17, 2005, and that any supplemental briefs based on deposition testimony of Captain Popp or Mr. Parnell will be filed by October 31, 2005.

3. Counsel have been unable collectively to provide a two-week period in the month of November for the Court to schedule the expected all-day hearing on the summary judgment motions. Mr. Brunkenhoefer, in particular, advises that he presently has nine separate cases set for trial during the month of November. However, Mr. Brunkenhoefer has declared that he does not expect this or any other Court to schedule its docket around his schedule and, though he does not see how it is possible, he has

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docket around his schedule and, though he does not see how it is possible, he has reiterated his determination to appear as and when this Court may command.

As an alternative approach to scheduling, we have determined that all required counsel (Messrs. Asperger, Clyne, Brunkenhoefer and Whitman) are available on the following days in November and December:

November 21  
December 2, 5, 20 and 21 (with December 2 being  
least convenient)

We respectfully inquire whether the Court would be able to set the hearing for one of these dates. If not, perhaps a brief telephone conference among these four counsel and your Honor's chambers could permit us to find a date that will work.

Respectfully yours,



M. Hamilton Whitman, Jr.

MHWjr/pkp

cc: All Counsel Via E-Mail Only